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EXAMINER	
NGUYEN, STEVEN H D	
ART UNIT	PAPER NUMBER
2616	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	09/514,371	CURRY ET AL.	
	Examiner	Art Unit	
	Steven HD Nguyen	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 June 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22 and 28-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,6-10,12-16,18-21 and 28-36* is/are rejected.

7)☒ Claim(s) *2-5,11,17,22,32-34 and 37* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6/14/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The Affidavits filed on 5/14/07 under 37 CFR 1.131 has been considered but is ineffective to overcome the Farris references because the applicant does not enclose an exhibit A of a section 6 of the Affidavits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-22 and 28-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Farris (USP 6546003) or (USP 6292478).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Farris discloses a method of telecommunication over a wide area packet switched network, the method comprising sending from a calling party a called number,

corresponding to a called party (Fig 12a, Ref 420) and including an area code, to a first central office connected to a first telephone system (Fig 12A, Ref 422); forwarding the called number from the first central office to a first telephony server (Fig 12A, Ref 424), connected to the first telephone system and in communication with the wide area packet switched network, via a signaling channel of the first telephone system (Fig 9); identifying a second telephony server, in communication with the wide area packet switched network and serving said called party in a second telephone system, from a routing and administration database by using at least said area code (Fig 12A, Ref 426 and 428); sending the called number from the first telephony server to the second telephony server via said wide area packet switched network (Fig 12A, Ref 430); allocating a resource on the wide area packet switched network sufficient to provide a guaranteed level of service through the wide area packet switched network (Col. 13, lines 57-62 or col. 14, lines 50-65 of '478); and selectively establishing a communication link, via the resource at at least the guaranteed level of service, between the first telephony server and the second telephony server through the wide area packet switched network, to establish communication between the calling and called parties (Fig 12B, Ref 444-448).

Regarding claim 2, Farris discloses the identifying step comprises sending a routing request via the wide area packet switched network from the first telephony server to a routing and administration server having said routing and administration database, the routing request including said area code (Fig 12A, Ref 426, Col. 15, lines 38-52 and col. 16, lines 33-46 of '478); and receiving from the routing and administration server via the wide area packet switched network (Fig 9, Ref 480 is RAS and 474 is WAN) a routing response including the identity of said second telephony server and a predetermined communication path corresponding

to the second telephony Server (Fig 12A, Ref 428, Col. 15, lines 38-52 and col. 16, lines 33-46 of '478).

Regarding claim 3, Farris discloses the identifying step further comprises using a second predetermined communication path within said wide area packet switched network to send and receive the routing request and routing response, respectively (Col. 13, lines 30-34, col. 14, lines 24-28 of '478 and Fig 9, Ref 482 is a predetermined path between ITS 472a and RAS 480).

Regarding claim 4, Farris discloses the routing request includes a calling number of the calling party, the identifying step further comprising obtaining the guaranteed level of service corresponding to the calling number from the routing response (Fig 13c and col. 15, 38-52, col. 16, lines 33-46 of '478).

Regarding claim 5, Farris discloses the identifying step comprises accessing said routing and administration database within said first telephony server to obtain the identity of said second telephony server and the guaranteed level of service corresponding to the calling party (Fig 10, Ref 420 is local RAS, Fig 13c and col. 15, 38-52, col. 16, lines 33-46 of '478).

Regarding claim 6, Farris discloses the identifying step comprises receiving a network address of the second telephony server on the wide area packet switched network (col. 15, 38-52 and col. 16, lines 33-46 of '478).

Regarding claim 7, Farris discloses the step of sending the called number from the first telephony server to the second telephony server comprises sending a first signaling data packet carrying the called number as payload data and the second telephony server network address as a destination address to a router selectively routing data packets within the wide area packet

switched network, the router sending the first data packet via a predetermined communication path based on the destination address (Col. 15, lines 54-64 and Col. 16, lines 48-58 of '478).

Regarding claim 8, Farris discloses the step of sending the called number from the first telephony server to the second telephony server further comprises generating a session identifier identifying a call attempt between the calling party and the called party; and including the session identifier in said first signaling data packet (Col. 15, lines 54-64, and Col. 16, lines 48-58 of '478).

Regarding claim 9, Farris discloses said selectively establishing step comprises receiving a second signaling data packet from the second telephony server including the session identifier and a condition of the called party (Col. 16, lines 8-19 of '003 and lines 59-67 of '478); and sending from the first telephony server first traffic data packets having said destination address and carrying digital communication information and said session identifier based on the condition of the called party (Fig 12A, Ref 448).

Regarding claim 10, Farris discloses the first traffic data packets sending step comprises outputting the first traffic data packets at least at a minimum data rate according to the guaranteed level of service (Fig 12A, Ref 448).

Regarding claim 11, Farris discloses the first traffic data packet sending step comprises receiving a third signaling data packet carrying said session identifier and a rate change request having a value based on traffic along said predetermined communication path; and outputting the third data packets at a changed data rate based on the received data rate value and in according with the guaranteed level of service (Fig 12B, Ref 450, 454, 456, col. 16, lines 44-55 and col. 17, lines 37-48 of '478).

Regarding claim 12, Farris discloses sensing at the first central office a condition of the calling party; sending to the first telephony server a message indicating the sensed condition of the calling party; suspending the transmission of said third data packets by said first telephony server in response to the message; and transmitting from the first telephony server to the second telephony server a third signaling data packet including the session identifier and the condition of the calling party (Col. 16, lines 37-44 and col. 17, lines 30-35 of '478).

Regarding claim 13, Farris discloses receiving at the first telephony server first data packets carrying an identifier for the established communication link and communication samples from the called party via the wide area packet switched network; forwarding the received communication samples to the first central office on an assured trunk line based on the identifier; and supplying the communication samples received on the assured trunk line from the first central office to the calling party (Col. 16, lines 20-35 and col. 17, lines 14-29 of '478).

Regarding claim 14, Farris discloses the communication samples include at least one of voice samples and data words (Col. 16, lines 20-35 and col. 17, lines 14-29 of '478).

Regarding claim 15, Farris discloses receiving at the first telephony server a second data packet carrying an identifier for the established communication link and signaling information indicating a condition of the called party; generating a signaling message to the first central office from the first telephony server based on the signaling information; and in the first central office, initiating a response for the calling party based on the signaling message (Col. 15, lines 65 to col. 16, lines 20, Fig 12, Ref 434 and 436 and col. 16, line 59 - col. 17, line 12 of '478).

Regarding claim 16, Farris discloses the response-initiating step comprises disconnecting the calling party from the communication link (Col. 15, line 65 to col. 16, line 20 and col. 16, line 59 - col. 17, line 12 of '478).

Regarding claim 17, Farris discloses the selectively establishing step setting the communication link along a predetermined communication path within comprises said wide area packet switched network; and changing a data rate of the communication link based on traffic on the predetermined communication path (Col. 16, lines 44-55 and col. 17, lines 37-48 of '478).

Regarding claim 18, Farris discloses the wide area packet switched network is Intenet, the identifying step comprising translating an Internet Protocol (IP) address of the second telephony server from the area code (Col. 15, lines 38-53 and col. 16, lines 32-48 of '478).

Regarding claim 19, Farris discloses the sending step comprises outputting from the first telephony server first packets having the IP address of the second telephony server to a router (Fig 9, Ref 472A and 484'), the router forwarding the first packets along a predetermined communication path based on the IP address of the second telephony server (Fig 10, Col. 15, lines 54-64 and col. 16, lines 48-58 of '478).

Regarding claim 20, Farris discloses a method of telecommunication over a wide area packet switched network, the method comprising in a first telephony sewer connected to a first telephone system, receiving via a wide area packet switched network a first data packet transmitted by a second telephony server of a second telephone system, the first data packet having (1) a destination address corresponding to the first telephony server, (2) a session identifier, and (3) a destination number having an area code served by the first telephony server

(Fig 12A, Ref 430, col. 15, lines 54-64 and col. 16, lines 48-58 of '478); initiating a query by the first telephony server for determining via a signaling communication network of the first telephone system a condition of the destination number from a first central office serving the destination number (Fig 12A, Ref 434, col. 15, lines 65 to col. 16, lines 19 and col. 16, line 59 - col. 17, line 12 of '478); sending a second data packet carrying said session identifier and said condition from the first telephony server to the second telephony server (Fig 12A, Ref 438, Col. 16, lines 8-19 and col. 17, lines 1-13 of '478); allocating at least one network resource to support a guaranteed level of service through the wide area packet switched network (Col. 13, lines 57-62 and col. 14, lines 50-65 of '478); and selectively establishing a communication link via the resource to provide the guaranteed level of service between the first telephony server and the second telephony server through the wide area packet switched network, to enable communication between the destination number and a station served by the second telephony server (Fig 12B, Ref 444-448).

Regarding claim 21, Farris discloses the selectively establishing step comprises establishing the link on a predetermined communication path in the wide area packet switch network (Col. 16, lines 20-35 and col. 17, lines 14-29 of '478).

Regarding claim 22, Farris discloses changing a data rate of the communication link based on traffic on the predetermined communication path (Col. 16, lines 44-55 and col. 17, lines 1-13 of '478).

Regarding claim 28, Farris discloses comprising initiating a line-sided connection between the first telephony server and the destination number in response to the first central

office specifying said condition as an available condition (Col. 16, lines 7-35 and col. 17, lines 37-48 of '478).

Regarding claim 29, Farris discloses the signaling communication network is a common channel interoffice signaling network (Col. 16, lines 56-64 and col. 17, lines 49-57 of '478).

Regarding claim 30, Farris discloses a method of telecommunication over a wide area packet switched network, the method comprising sending from a calling party a called number, corresponding to a called party, to a first central office connection to a first telephone system (Fig 12A, Ref 420, 422, col. 15, lines 13-27 and col. 16, lines 7-20 of '478); forwarding the called number from the first central office to a first telephony server, connected to the first telephone system and in communication with the wide area packet switched network, via a signaling channel of the first telephone system (Fig 12A, Ref 424, col. 15, lines 28-37 and col. 16, lines 7-20 of '478); identifying a second telephony server, in communication with the wide area packet switched network and serving said called party in a second telephone system, from a routing and administration database by using at least a part of the called number (Fig 12A, Ref 426, 428, col. 15, lines 38-54 and col. 16, lines 32-47 of '478); generating a session identifier identifying a call attempt between the calling party and the called party (col. 15, lines 54-64 and col. 16, lines 48-58 of '478); sending a signaling message from the first telephony server to the second telephony server via said wide area packet switched network, the signaling message comprising the called number and the session identifier (col. 15, lines 54-64 and col. 16, lines 48-58 of '478); and communicating a plurality of packets containing audio information between the first and second telephony servers through the wide area packet switched network, to establish telephone communication between the calling and called parties, wherein at least some

of the packets containing audio information also contain the session identifier (Col. 16, lines 20-35 and col. 17, lines 13-29 of '478).

Regarding claim 31, Farris discloses the step of communicating comprises allocating a resource on the wide area packet switched network to communications between the calling party and the called party (Col. 13, lines 57-62 and col. 14, lines 51-56 of '478); and communicating the packets containing audio information through the wide area packet switched network using the allocated resource (Col. 16, lines 20-36 and col. 17, lines 13-29 of '478).

Regarding claim 32, Farris discloses the identifying step comprises sending a routing request message via the wide area packet switched network from the first telephony server to a routing and administration server having said routing and administration database, the routing request message including said at least part of the called number; and receiving from the routing and administration server via the wide area packet switched network a routing response including the identity of said second telephony server and the identity of a predetermined communication path through the wide area packet switched network to the second telephony server capable of providing a guaranteed level of service (Col. 15, lines 38-53 and col. 17, lines 32-47 of '478).

Regarding claim 33, Farris discloses the routing request message further includes an identification corresponding to the calling party, and the identifying step further comprises determining the guaranteed level of service based on the identification corresponding to the calling party (Col. 15, lines 38-53 and col. 17, lines 32-47 of '478).

Regarding claim 34, Farris discloses the signaling channel of the first telephone system comprises a link from an interoffice signaling network of the first telephone system to the first telephony server (Fig 10, Ref 470 or Fig 9, Ref 470).

Regarding claim 35, Farris discloses a method of telecommunication over a wide area packet switched network, the method comprising sending from a calling party a called number, corresponding to a called party, to a first central office connected to a first telephone system (Fig 12A, Ref 420, 422); forwarding the called number from the first central office to a first telephony server, connected to the first telephone system and in communication with the wide area packet switched network (Fig 12A, Ref 424); identifying a second telephony server, in communication with the wide area packet switched network and serving said called party in a second telephone system, from a routing and administration database by using at least part of the called number (Fig 12, Ref 426); sending the called number from the first telephony server to the second telephony server via said wide area packet switched network (Fig 12A, Ref 430); establishing a communication link between the first telephony server and the second telephony server, wherein the establishing step comprises setting the communication link along a predetermined communication path within said wide area packet switched network; and communicating telephone information between the calling and called parties via the servers and the predetermined communication path (Col. 16, lines 20-36 and col. 17, lines 13-29 of '478).

Regarding claim 36, Farris discloses the setting of the communication link along the predetermined communication path comprises allocating a resource along the path for the communication link, such that the communication link will provide at least a guaranteed minimum level of service throughout the communication of the telephone

information (Col. 16, lines 20-36 and col. 17, lines 13-29 of '478).

Regarding claim 37, Farris discloses the identifying step comprises sending a routing request via the wide area packet switched network from the first telephony server to a routing and administration server having said routing and administration database; and receiving from the routing and administration server via the wide area packet switched network a routing response including the identity of said second telephony server and an identification corresponding to the predetermined communication path to the second telephony server (Col. 15, lines 38-53 and col. 17, lines 32-47 of '478).

4. Claim 35 is rejected under 35 U.S.C. 102(e) as being anticipated by Turock (USP 6243373).

Regarding claim 35, Turock discloses a method of telecommunication over a wide area packet switched network, the method comprising sending from a calling party a called number, corresponding to a called party, to a first central office connected to a first telephone system (Fig 2, Ref 202 is a user for sending a telephone number of called party to a central office 212 which is connected a first telephone system 210); forwarding the called number from the first central office to a first telephony server, connected to the first telephone system and in communication with the wide area packet switched network (Fig 2, the central office 212 forwards the called party telephone number to the Server 206 and Fig 3, Ref 204 sends a called party number to the central office 218 via a signaling channel of the first telephone system; the central office will forward the called party telephone number to server 216 of Fig 3); identifying a second telephony server, in communication with the wide area packet switched network and serving said called party in a second telephone system, from a routing and administration database by using at

least part of the called number; sending the called number from the first telephony server to the second telephony server via said wide area packet switched network (Fig 5, Ref 506 searches for a ITS node which serves the called party telephone number in the routing and administration database 514 by using an area code number by sending a request for a route "predetermined path" between the servers by using LCR database; the database replies a message which includes a destination address of the destination server; See col. 9, lines 26-65), establishing a communication link between the first telephony server and the second telephony server, wherein the establishing step comprises setting the communication link along a predetermined communication path within said wide area packet switched network; and communicating telephone information between the calling and called parties via the servers and the predetermined communication path (Fig 6A, Ref 624, the predetermined path between the servers reads on the least cost routing "cost or other parameters" between servers).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 6-7, 13-16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turock in view of Guys (USP 6298057).

Regarding claim 1, Turock discloses a method of telecommunication over a wide area packet switched network (Fig 2, Ref 214 is a WAN), the method comprising sending from a

calling party a called number, corresponding to a called party (Fig 12a, Ref 420) and including an area code, to a first central office connected to a first telephone system (Fig 2, Ref 202 is a user for sending a telephone number of called party to a central office 212 which is connected a first telephone system 210); forwarding the called number from the first central office to a first telephony server, connected to the first telephone system and in communication with the wide area packet switched network, via a signaling channel of the first telephone system (Fig 2, the central office 212 forwards the called party telephone number to the Server 206 and Fig 3, Ref 204 sends a called party number to the central office 218 via a signaling channel of the first telephone system; the central office will forward the called party telephone number to server 216 of Fig 3); identifying a second telephony server, in communication with the wide area packet switched network and serving said called party in a second telephone system, from a routing and administration database by using at least said area code (Fig 5, Ref 506 searches for a ITS node which serves the called party telephone number in the routing and administration database 514 by using an area code number; the database replies a message which includes a destination address of the destination server; See col. 9, lines 26-65); sending the called number from the first telephony server to the second telephony server via said wide area packet switched network (Col. 12, line 58 to col. 13, line 27). However, Turock fails to disclose allocating a resource on the wide area packet switched network sufficient to provide a guaranteed level of service through the wide area packet switched network; and selectively establishing a communication link, via the resource at at least the guaranteed level of service, between the first telephony server and the second telephony server through the wide area packet switched network, to establish communication between the calling and called parties. In the same field of endeavor, Guys

discloses disclose allocating a resource on the wide area packet switched network sufficient to provide a guaranteed level of service through the wide area packet switched network (Fig 5 discloses a method and apparatus for established a communication path with a guaranteed level of service 520, 522, 526 of Fig 5 between the servers 130 and 112 of Fig 1 and established a voice communication path between the calling and called parties via a predetermined path between the servers by using RSVP; the server judges if the calling party requests a guaranteed level of service or not; See Fig 5, Ref 520); and selectively establishing a communication link, via the resource at at least the guaranteed level of service, between the first telephony server and the second telephony server through the wide area packet switched network, to establish communication between the calling and called parties (Fig 5, Ref 532).

Since, Turock suggests that a voice quality must takes into consideration by applying a number of different techniques to improve a voice quality between the servers and Guy discloses a RSVP which is well known in the art for using to reserve the bandwidth for the communication devices on the internet. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and apparatus for using RSVP for allocating resource by sending a path message from the first server to second server and receiving at the first server a reservation message from the second server wherein the reservation message is transmitted via a same route that the path message travels from first to second server for conveying the voice packets via after establishing a communication link between the parties as disclosed by Guys's method and system into Turock's method and system. The motivation would have been to turn the Internet into a reliable telecommunication network.

Regarding claim 6, Guys discloses the identifying step comprises receiving a network address of the second telephony server on the wide area packet switched network (Fig 5, Ref 510).

Regarding claim 7, Turock discloses the step of sending the called number from the first telephony server to the second telephony server comprises sending a first signaling data packet carrying the called number as payload data and the second telephony server network address as a destination address to a router selectively routing data packets within the wide area packet switched network, the router sending the first data packet via a predetermined communication path based on the destination address (Col. 9, line 27-65, LCR selects a path between the servers based on cost of the call or other parameters).

Regarding claims 13-16, Turock discloses receiving at the first telephony server first data packets carrying an identifier for the established communication link and communication samples being voice samples from the called party via the wide area packet switched network (Fig 5, Ref 206); forwarding the received communication samples to the first central office on an assured trunk line based on the identifier (Fig 4, Ref 212 and 206); and supplying the communication samples received on the assured trunk line from the first central office to the calling party (Fig 4, Ref 202); receiving at the first telephony server a second data packet carrying an identifier for the established communication link and signaling information indicating a condition of the called party (Col. 13, lines 47-57 and Fig 10); generating a signaling message to the first central office from the first telephony server based on the signaling information; and in the first central office, initiating a response for the calling party based on the signaling message by disconnecting the calling party (Col. 13, lines 47-57 and Fig 10).

Regarding claims 18-19, Turock discloses the wide area packet switched network is Internet, the identifying step comprising translating an Internet Protocol (IP) address of the second telephony server from the area code (Col. 9, lines 27-54) and outputting from the first telephony server first packets having the IP address of the second telephony server to a router, the router forwarding the first packets along a predetermined communication path based on the IP address of the second telephony server (Col. 9, lines 27-54, LCR selecting a path based on cost or other parameters).

7. Claims 8-10, 12, 20-21 and 28-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Turock and Guys as applied to claim 1 above, and further in view of Mattaway (USP 6185184).

Regarding claims 8-10 and 12, Turock discloses sensing at the first central office if the calling party is hang-up, forward the hang-up message to the server (Col. 13, lines 47-57), suspending transmitting of the voice packet (Col. 13, lines 28-46) and transmitting the hang-up message to the second server (Col. 13, lines 47-57). Guys discloses first and second signaling packets are exchanged between the servers according the guaranteed service level, wherein the second signaling packet includes a condition of called party and the voice packet is transmitted based on the condition at least at a minimum data rate according to the guaranteed level of service (Fig 5, Ref 512 is first signaling, Ref 514 is second signaling and Ref 532 for transmitting voice packet at guarantee service level Ref 526). Turock and Guys fail to disclose generating a session identifier identifying a call attempt between the calling party and the called party; and including the session identifier in the packets. In the same field of endeavor, Mattaway discloses a method and system for generating a session number for identifying the call

attempt between the parties and includes this session number into the messages (Fig 9, Ref 76). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for using the session number to identify the parties of a conference as disclosed by Mattaway into the teaching of Turock and Guys. The motivation would have been to prevent the first system establishing a communication link with an unintended party.

Regarding claim 20, Turock discloses a method of telecommunication over a wide area packet switched network, the method comprising in a first telephony sewer (Fig 4, Ref 206) connected to a first telephone system, receiving via a wide area packet switched network a first data packet transmitted by a second telephony server (Fig 4, Ref 216) of a second telephone system, the first data packet having a destination address corresponding to the first telephony server and a destination number having an area code served by the first telephony server (Fig 6A, 622); initiating a query by the first telephony server for determining via a signaling communication network of the first telephone system a condition of the destination number from a first central office serving the destination number (Fig 6A, Ref 626); sending a second data packet carrying said condition from the first telephony server to the second telephony server (Fig 6A, Ref 626). However, Turock fails to disclose allocating at least one network resource to support a guaranteed level of service through the wide area packet switched network and selectively establishing a communication link via the resource to provide the guaranteed level of service between the first telephony server and the second telephony server through the wide area packet switched network, to enable communication between the destination number and a station served by the second telephony server and session ID included in the packets. In the same field

of endeavor, Guys discloses query the condition of called number (Fig 5, Ref 512), reply the condition to the second server (Fig 5, Ref 514) and allocating at least one network resource to support a guaranteed level of service through the wide area packet switched network and selectively establishing a communication link via the resource to provide the guaranteed level of service between the first telephony server and the second telephony server through the wide area packet switched network, to enable communication between the destination number and a station served by the second telephony server (Fig 5, Ref 526). However, Turock and Guys fail to disclose session ID in the packets. In the same field of endeavor, Mattaway discloses a method and system for generating a session number for identifying the call attempt between the parties and includes this session number into the messages (Fig 9, Ref 76). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for using the session number to identify the parties of a conference as disclosed by Mattaway into the teaching of Turock and Guys and apply a method and apparatus for using RSVP for allocating resource by sending a path message from the first server to second server and receiving at the first server a reservation message from the second server wherein the reservation message is transmitted via a same route that the path message travels from first to second server for conveying the voice packets via after establishing a communication link between the parties as disclosed by Guys's method and system into Turock's method and system. The motivation would have been to turn the Internet into a reliable telecommunication network and prevent the first system establishing a communication link with an unintended party .

Regarding claim 21, Turock discloses the selectively establishing step comprises establishing the link on a predetermined communication path in the wide area packet switch network (Fig 5, Ref 526, 528 and 532).

Regarding claim 28, Guys discloses comprising initiating a line-sided connection between the first telephony server and the destination number in response to the first central office specifying said condition as an available condition (Fig 5, Ref 512).

Regarding claim 29, Turock the signaling communication network is a common channel interoffice signaling network (Fig 4).

8. Claim 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Turock in view of Mattaway (USP 6185184).

Regarding claim 30, Turock discloses a method of telecommunication over a wide area packet switched network, the method comprising sending from a calling party a called number, corresponding to a called party, to a first central office (a user for sending a telephone number of called party to a central office Fig 2, 208) connection to a first telephone system (Fig 2, Ref 210); forwarding the called number from the first central office to a first telephony server (Fig 2, Ref 206), connected to the first telephone system and in communication with the wide area packet switched network (Fig 2, Ref 6), via a signaling channel of the first telephone system (Fig 2, the central office 208 forwards the called party telephone number to the Server 206 and Fig 3, Ref 204 sends a called party number to the central office 218 via a signaling channel of the first telephone system; the central office will forward the called party telephone number to server 216 of Fig 3); identifying a second telephony server, in communication with the wide area packet switched network and serving said called party in a second telephone system, from a routing and

administration database by using at least a part of the called number (Fig 5, Ref 506 searches for a ITS node which serves the called party telephone number in the routing and administration database 514 by using an area code number; the database replies a message which includes a destination address of the destination server; See col. 9, lines 26-65); sending a signaling message from the first telephony server to the second telephony server via said wide area packet switched network, the signaling message comprising the called number (Col. 10, lines 54-67); and communicating a plurality of packets containing audio information between the first and second telephony servers through the wide area packet switched network, to establish telephone communication between the calling and called parties (Col. 13, lines 28-46). However, Turock fails to disclose generating a session identifier identifying a call attempt between the calling party and the called party for inserting into the packets. In the same field of endeavor, Mattaway discloses a method and system for generating a session number for identifying the call attempt between the parties and includes this session number into the messages (Fig 9, Ref 76). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for using the session number to identify the parties of a conference as disclosed by Mattaway into the teaching of Turock. The motivation would have been to prevent the first system establishing a communication link with an unintended party.

9. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Turock and Mattaway as applied to claim 30 above, and further in view of Guys (USP 6298057).

Regarding claim 31, Turock and Mattaway fails to disclose allocating a resource on the wide area packet switched network to communications between the calling party and the called

party; and communicating the packets containing audio information through the wide area packet switched network using the allocated resource. In the same field of endeavor, Guys discloses allocating a resource on the wide area packet switched network to communications between the calling party and the called party (Fig 5, Ref 526); and communicating the packets containing audio information through the wide area packet switched network using the allocated resource (Fig 5, Ref 532).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and apparatus for using RSVP for allocating resource by sending a path message from the first server to second server and receiving at the first server a reservation message from the second server wherein the reservation message is transmitted via a same route that the path message travels from first to second server for conveying the voice packets via after establishing a communication link between the parties as disclosed by Guys's method and system into a method and system of Turock and Mattaway. The motivation would have been to turn the Internet into a reliable telecommunication network.

10. Claim 36 rejected under 35 U.S.C. 103(a) as being unpatentable over Turock in view of Guys (USP 6298057).

Regarding claim 36, Turock fails to disclose allocating a resource along the path for the communication link, such that the communication link will provide at least a guaranteed minimum level of service throughout the communication of the telephone information. In the same field of endeavor, Guys discloses allocating a resource along the path for the communication link, such that the communication link will provide at least a guaranteed

minimum level of service throughout the communication of the telephone information (Fig 5, Ref 526).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and apparatus for using RSVP for allocating resource by sending a path message from the first server to second server and receiving at the first server a reservation message from the second server wherein the reservation message is transmitted via a same route that the path message travels from first to second server for conveying the voice packets via after establishing a communication link between the parties as disclosed by Guys's method and system into Turock's method and system. The motivation would have been to turn the Internet into a reliable telecommunication network.

Allowable Subject Matter

11. Claims 2-5, 11, 17, 22, 32-34 and 37 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. These claims are objected based on the prior arts without common inventor or assignee.

Regarding claim 2, the prior arts fail to disclose the identifying step comprises sending a routing request via the wide area packet switched network from the first telephony server to a routing and administration server having said routing and administration database, the routing request including said area code; and receiving from the routing and administration server via the wide area packet switched network a routing response including the identity of said second

telephony server and a predetermined communication path corresponding to the second telephony Server.

Regarding claim 5, the prior arts fail to disclose the identifying step comprises accessing said routing and administration database within said first telephony server to obtain the identity of said second telephony server and the guaranteed level of service corresponding to the calling party.

Regarding claim 11, the prior arts fail to disclose the first traffic data packet sending step comprises receiving a third signaling data packet carrying said session identifier and a rate change request having a value based on traffic along said predetermined communication path; and outputting the third data packets at a changed data rate based on the received data rate value and in according with the guaranteed level of service.

Regarding claim 17, the prior arts fail to disclose the selectively establishing step setting the communication link along a predetermined communication path within comprises said wide area packet switched network; and changing a data rate of the communication link based on traffic on the predetermined communication path.

Regarding claim 22, the prior arts fail to disclose changing a data rate of the communication link based on traffic on the predetermined communication path.

Regarding claim 32, the prior arts fail to disclose the identifying step comprises sending a routing request message via the wide area packet switched network from the first telephony server to a routing and administration server having said routing and administration database, the routing request message including said at least part of the called number; and receiving from the routing and administration server via the wide area packet switched network a routing response

including the identity of said second telephony server and the identity of a predetermined communication path through the wide area packet switched network to the second telephony server capable of providing a guaranteed level of service.

Regarding claim 37, the prior arts fail to disclose the identifying step comprises sending a routing request via the wide area packet switched network from the first telephony server to a routing and administration server having said routing and administration database; and receiving from the routing and administration server via the wide area packet switched network a routing response including the identity of said second telephony server and an identification corresponding to the predetermined communication path to the second telephony server.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven H.D Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayanti Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Steven H.D Nguyen
Primary Examiner
Art Unit 2616
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